

CERTIFIED TRUE COPY

BOARD OF PHARMACY

31

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

MAY 25 1995

FILED

By: Marianne W. Greenwald
Deputy Attorney General
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-4738

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

FREDERICK P. McLEISH :
LICENSE NO. RI9742 :

CONSENT ORDER

TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that Frederick McLeish, a recovering alcoholic and the subject of a prior Board of Pharmacy order, (attached hereto), suffered a relapse in August of 1994. Presently respondent is participating in an aftercare program with an impaired pharmacist program in Pennsylvania. Respondent has attended a 7-day in-patient rehabilitation treatment program and continues to comply with aftercare guidelines set forth in his agreement with the Pennsylvania rehabilitation organization.

On April 26, 1995, respondent testified under oath before the Board of Pharmacy. Respondent represented to the Board that he is actively working at his recovery and has remained alcohol and drug free since the date of his admission to the treatment facility in August of

1994. Respondent having satisfied the Board that he intends to continue treatment and it appearing that the respondent wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS DAY OF , 1995,
ORDERED:

1. The license of Frederick McLeish, R.P., to practice pharmacy in the State of New Jersey is hereby suspended for four (4) years from the date of entry of the within Order. All of said suspension shall be stayed.

2. Respondent shall be on probation for the duration of the stayed suspension, subject to compliance with paragraphs 3 through 14 herein. If respondent violates any of the provisions of paragraphs 3 through 14 herein, the Board may initiate proceedings to revoke his probationary status and to actively suspend or revoke his license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge or a permit holder of any pharmacy in this State for five (5) years from the date of entry of the within Order.

4. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as, but not limited to, a report of a confirmed positive urine from the party responsible for monitoring respondent's urine, or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

5. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

6. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire four (4) year period. Testing shall be performed one time per month. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all conforming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

7. The result of all tests shall be reported directly from the testing laboratory to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may without notice to respondent at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

8. In the event Frederick McLeish is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

9. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension set forth in paragraph 4 upon short notice.

10. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.


11. Respondent shall give written notice to the Board prior to beginning any job and prior to any change in employment.

12. Respondent shall not use or possess any Controlled Dangerous Substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent is to serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug and alcohol abuse.

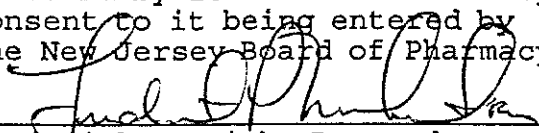
13. At any time during the probation period, the Board may require the appearance of respondent at a meeting for a status conference.

14. Respondent shall comply with the Board's statutes and regulations and with the general laws of the State of New Jersey.

STATE BOARD OF PHARMACY

By: 
Sophie Heymann, ~~MD~~, President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.


Frederick McLeish, Respondent